

REPORT OF THE COMMITTEE ON LEGISLATION & INTERGOVERNMENTAL RELATIONS

April 11, 2001

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Hansen, Vice Chairman Lechowicz, Commissioners Collins, Daley, Moran, Silvestri and Sims (7)

Absent: Commissioners Schumann and Sutker (2)

Also Present: Commissioner Carr (1); Representative Skip Saviano; Steve Morrill, Morrill and Associates; Terry Steczo, Director of Intergovernmental Affairs-Cook County Assessor's Office and Helen Haynes, Assistant State's Attorney-Bureau of Civil Actions, Cook County State's Attorney's Office.

Ladies and Gentlemen:

Your Committee on Legislation & Intergovernmental Relations of the Board of Commissioners of Cook County met pursuant to notice on Wednesday, April 11, 2001 at the hour of 2:30 PM in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following items and upon adoption of this report, the recommendations are as follows:

242707 SHERIFF OF COOK COUNTY, Michael F. Sheahan, transmitting a Communication, dated March 27, 2001:

Re: Appointment to the Cook County Emergency Telephone System Board

Respectfully requesting that Director **JOHN KOZARITZ** replace Deputy Chief Lombardo as a member of the Cook County Emergency Telephone System Board (ETSB). Submitted is a brief description of Director Kozaritz's credentials. Director Kozaritz has a long history of Law Enforcement, and currently is the Director of the Sheriff's Communication Center. I believe he will make a valuable contribution as a Board Member.

According to the by-laws of the ETSB, the Cook County Board of Commissioners must approve all appointments to the Board. Please accept this letter as a formal nomination of Director Kozaritz to the Board.

Your consideration in this matter is greatly appreciated.

242708 SHERIFF OF COOK COUNTY, Michael F. Sheahan, transmitting a Communication, dated March 27, 2001:

Re: Appointment to the Cook County Emergency Telephone System Board filling position vacated by James ~~McGin~~ McGing

respectfully requesting that First Deputy Chief **JAMES E. MALINOWSKI** be appointed

as a member of the Cook County Emergency Telephone System Board (ETSB). James E. Malinowski has a long history of Law Enforcement, and currently is the First Deputy Chief of Police for the Sheriff's Police Department. I believe he will make a valuable contribution as a Board Member.

According to the by-laws of the ETSB, the Cook County Board of Commissioners must approve all appointments to the Board. Please accept this letter as formal nomination of First Deputy Chief James E. Malinowski to the Board.

Your consideration in this matter is greatly appreciated.

Commissioner Silvestri, seconded by Commissioner Moran, moved the approval of the Communication Nos. 242707 and 242708. The motion carried unanimously.

242723 RESOLUTION SUPPORTING HOUSE BILL 2392 (PROPOSED RESOLUTION).
Submitting a Proposed Resolution sponsored by Mike Quigley, County Commissioner.

PROPOSED RESOLUTION

WHEREAS, many residential areas of Cook County are rapidly developing, as evidenced by the recent construction of many new property developments, condominium units and subdivisions throughout the County; and

WHEREAS, under current state law, a grantor may transfer ownership of a new residential parcel to a grantee without providing a property index number (PIN) and in fact, many of these newly built or newly divided properties are sold prior to assignment of proper property index numbers by the Cook County Assessor; and

WHEREAS, the sale of parcels that have not yet been divided by the Cook County Assessor's Office leads to imprecise billing of individual property owners, which can result in overpayments, underpayments and penalties, creating confusion and frustration on the part of these new homeowners; and

WHEREAS, the resulting confusion and frustration of these homeowners severely strains the resources of the Cook County Assessor's Office and the Cook County Commissioners; and

WHEREAS, State Representatives Judy Erwin, Jim Brosnahan, Sara Feigenholtz, Julie Hamos and the State Senator Christine Radogno have sponsored House Bill 2392, a bill only affecting Cook County, which would require a grantor of property to provide the grantee with an individual permanent index number that specifically represents that parcel of property which that grantee has purchased; and

WHEREAS, House Bill 2392 also provides that if the permanent index number does not represent the legal description of the property, the grantor may supply proof that he or she either filed an application for division of the property with the Cook County Assessor's Office, recorded a plat of subdivision, or recorded a condominium declaration; and

WHEREAS, a grantor's failure to meet these requirements will not invalidate the transaction, but will render a grantor personally liable to grantee for any taxes and

attorney's fees that may be incurred until the requirements are met; and

NOW, THEREFORE BE IT RESOLVED, the Cook County Assessor's Office and the Cook County Board of Commissioners support this legislation, recently passed unanimously by the House Judiciary I Committee.

BE IT FURTHER RESOLVED, that the Cook County Board of Commissioners does hereby urge the Illinois State Legislature to support this effort to facilitate the payment of accurate property taxes by residential property owners in Cook County; and

BE IT FURTHER RESOLVED, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be provided to the Illinois State Legislature.

In response to Commissioner Silvestri's request to hear from a representative of the Assessor's office on House Bill 2392, Terry Steczo stated the Assessor's office is very supportive of the resolution and House Bill 2392.

Mr. Steczo stated the intent of the bill is not only to ensure the proper conveyance and accuracy of property records but also, to protect the county and purchasers of such property from the costly impact of improper conveyances.

He explained the measure would require a developer to provide a Property Index Number (PIN) as recorded with the legal description of the property, or to show proof that the application for division petition for a separate PIN has been filed with the Assessor's Office.

Commissioner Silvestri requested information from Helen Haynes, of the State's Attorney's Office, on the feasibility of implementing and enforcing the measure pursuant to the county's home rule authority.

Commissioner Silvestri, seconded by Commissioner Moran, moved the approval of the Communication No. 242723. The motion carried unanimously.

Chairman Hansen proceeded to Item 4-Status of Illinois General Assembly legislation affecting Cook County on the agenda.

The Chairman called on the Board's lobbyist in Springfield, Steve Morrill, who briefed and answered questions on each item.

A. PRESIDENT STROGER'S INITIATIVES

1. SB 485 (Viverito) and HB 3136 (McCarthy/Madigan) - Cook County and Forest Preserve ERI Program: at age 50 with 20 years of service, receive up to an additional 10% pension benefit accrual (10% of final average salary, subject to the current 80% maximum.)
2. HB 2412 (Winkel/Weaver) – Contains language to authorize FPD Board to permit the sale of liquor.
3. HB 3247 (Hassert/Parker) and SB 991 (Viverito/Madigan) – FPD bill allowing sale of five surplus parcels, which cumulatively total six acres.

Commissioner Silvestri, seconded by Commissioner Lechowicz moved to Support Item Nos. 1, 2 and 3. The motion carried unanimously.

B. ELECTIONS

4. HB 3147 (Madigan/Hendon) – Permits the use of in-precinct, automatic tabulating equipment with error detection technology and direct voter insertion; and provides, subject to appropriation, for retroactive reimbursement of up to 1000% of the cost of the equipment.

Commissioner Daley, seconded by Commissioner Collins, moved to Support Item No. 4. The motion carried unanimously.

5. SB 663 (Dillard/Madigan) – Specifically prohibits use of error detection equipment to detect undervoted ballots.

Commissioner Lechowicz, seconded by Commissioner Silvestri, moved to Support Item No. 5 as a vehicle only for agreed upon election authority language.

C. SOLID WASTE MANAGEMENT

6. SB 356 (Karpel/Pankau) – Provides that an IEPA permit for a waste disposal facility expires after 10 years if the facility has not received waste during such period and, at the time of permitting, the facility was exempt from local siting approval.

In response to Commissioner Silvestri's request for further information, Steve Morrill stated that in 1987 Cook County approved special use zoning approval for a landfill in the Northwestern unincorporated area of the county and the Illinois Environmental Protection Agency issued a permit. He explained that the landfill question had been in the courts and just recently a US Supreme Court decision came down in support of the authority of local agencies to proceed with such use. Mr. Morrill stated this bill was introduced by individuals who were not happy with this decision and wish to stop the local agencies from moving forward with the project.

Commissioner Silvestri, seconded by Commissioner Lechowicz, moved to Oppose Item No. 6. The motion carried unanimously.

D. FOIA AND OPEN MEETINGS

7. HB 2233 (Rutherford/Burzynski) – Creates the Office of Public Records Access Counsel within the Attorney General's Office to educate the public and public bodies, and to issue advisory opinions, about access to public records. Also makes mandatory a court's award of attorney's fees, costs and reasonable expenses to a person who successfully challenges a public body's denial of access to public record.
8. HB 3078 (Righter) – Specifies that financial amounts expended or collected by public bodies in connection with settling threatened or actual litigation are public information.

Commissioner Silvestri, seconded by Commissioner Daley, moved to Receive and File Item Nos. 7 and 8. The motion carried unanimously.

9. HB 3098 (Dart) – Requires a public body to keep verbatim minutes of any closed meeting.

Commissioner Silvestri stated his concern, as Chairman of the Litigation Committee, that this bill could hinder the members' ability to properly discuss matters in executive session.

Commissioner Silvestri, seconded by Commissioner Daley, moved to Oppose Item No. 9. The motion carried.

Commissioner Collins voted Present on Item No. 9.

E. LEGAL/TORT

10. SB 1014 (Rauschenberger/Hamos) – Provides that bicyclists are permitted and intended users of roadways, and subjects units of local government to liability for willful and wanton misconduct.

Commissioner Silvestri, seconded by Commissioner Lechowicz, moved to Oppose Item No. 10. The motion carried unanimously.

Commissioner Collins voted Present on Item No. 10.

11. HB 543 (Righter/Cronin) – Increases the amount of time (from one to two years) during which an action may be brought against a unit of local government or public employee in connection with an injury or death arising out of patient care.

In response to Commissioner Lechowicz, Steve Morrill stated that the bill results from a recent decision by the IL Supreme Court that affirmed the one-year time limitation for filings against public hospitals. He explained the bill is drafted for the statutory change based on the dissenting opinion in this case.

Commissioner Lechowicz requested further information from Helen Haynes, of the State's Attorney's Office, regarding past county cases. He asked for a comparison of the number of filings less than one year and the estimated number beyond one year, including an estimated increase in costs the county might face if this bill becomes law.

Commissioner Lechowicz, seconded by Commissioner Daley, moved to Receive and File Item No. 11. The motion carried.

Commissioners Silvestri, Daley and Collins voted Present on Item No. 11.

F. TOWNSHIPS

12. HB 27 (Leitch) – Gives townships certain demolition authority, pursuant to application with and order by a court, if a county first declines or fails to act on a formal request by the township.

In response to Commissioner Daley's question, Steve Morrill stated the President opposed the measure as currently drafted.

Commissioner Silvestri stated that since the county has no funding, beyond Community Development Block Grants, to demolish buildings and therefore has limited use of this authority, he believes there would be no negative impact on the county if this bill were to pass.

With leave of the committee, Chairman Hansen recognized Representative Skip Saviano.

Representative Saviano stated he had introduced similar legislation to House Bill 27 and is currently in discussion with the President's office to come up with an agreed upon procedure, possibly using intergovernmental agreements, when these matters arise. He noted that his legislation, House Bill 3007, is also still pending in Springfield.

Commissioner Silvestri, seconded by Commissioner Sims, moved to Defer for 30 days Item No. 12. The motion carried unanimously.

G. REVENUE

13. HB 215 (Lindner/Dillard) – Allows for an increase in county law library fees from \$10 to \$25.
14. HB 1829 (Madigan) – Vehicle bill for possible increases in fees for the Office of Clerk of the Circuit Court.
15. SB 64 (Silverstein/Hoffman) – Provides for increased fees for DUI and certain drug-related violations, and specifies that these fees be deposited into the Trauma Center Fund and Spinal Cord Injury Paralysis Cure Research Trust Fund.
16. SB 385 (Dillard/Daniels) – Makes various changes to the Counties Code to allow a reasonable fee to be charged for placing documents on the internet, permits Class I and II counties to provide by ordinance for the county clerk to impose a \$10 charge for issuance of certificates of sale to defray computerization costs, and to allow an increase in the amount a county may charge to enforce certain ordinances, rules and regulations from \$500 to \$750.
17. SB 977 (Molaro/Mathias) – Provides that amounts collected by the Clerk of the Court, after payment of fines and court costs, shall be used to satisfy the order of restitution before any other disbursements.

Commissioner Silvestri, seconded by Commissioner Collins, moved to Support Item Nos. 13, 14, 15, 16 and 17.

Commissioner Lechowicz, seconded by Commissioner Daley, moved to amend the motion and to Defer action on Item No. 17. Approved. The main motion, as amended, carried unanimously.

H. QUICK-TAKE

18. SB 550 (Parker/Parke) and SR 41 (Klemm) – Specifies various actions that must be completed before a unit of local government may secure passage of quick-take authority from the General Assembly.

Commissioner Silvestri, seconded by Commissioner Lechowicz, moved to Oppose Item No. 18. The motion carried unanimously.

I. LABOR/MANAGEMENT

19. HB 859 (Saviano) – Prohibits hospitals from requiring nurses to work overtime, and requires hospitals to develop nurse staffing plans through an internal committee composed of 50% nurses.

Commissioner Silvestri, seconded by Commissioner Lechowicz, moved to Oppose Item No. 19. The motion carried.

Commissioner Collins voted Present on Item No. 19.

20. HB 913 (Ryan/Radogno) – Limits who may be classified as a “managerial employee” under the Public Labor Relations Act.

Commissioner Lechowicz, seconded by Commissioner Silvestri, moved to Oppose Item No. 20. The motion carried.

Commissioner Collins voted Present on Item No. 20.

21. HB 3069 (Stroger) and SB 980 (Munoz/Franks) – Allows Cook County, City of Chicago, and various units of local government in Chicago to collect debts owed to one another via wage garnishment of their respective public employees.

Commissioner Lechowicz, seconded by Commissioner Daley, moved to Support Item No. 21. The motion carried unanimously.

J. HOME RULE PREEMPTION

22. HB 2380 (Schmitz/O’Malley) – Preempts home rule in connection with financial guarantee instruments for builders and developers.

Commissioner Silvestri, seconded by Commissioner Lechowicz, moved to Oppose Item No. 22. The motion carried unanimously.

Commissioner Daley moved to adjourn the meeting, seconded by Vice Chairman Lechowicz. The motion carried and the meeting was adjourned.

Respectfully submitted,
Committee on Legislation &
Intergovernmental Relations

Carl R. Hansen, Chairman

Attest:

Sandra K. Williams, Secretary